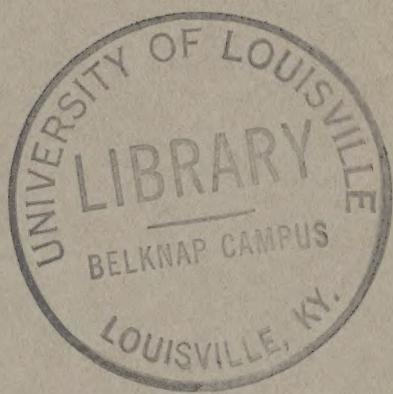


40 Questions and Answers

about Planning and Zoning

by the

Louisville, Ky. City Planning and Zoning Commission



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Questions and Answers  
ABOUT  
Planning and Zoning



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**Herman T. Meiners, *Director of Works***

**Charles F. Bradbury, *County Road Engineer***

## **LOUISVILLE AND JEFFERSON COUNTY BOARD OF ZONING ADJUSTMENT AND APPEALS**

**Arthur G. Tafel, *Chairman***

**I. Sidney Jenkins, *Vice-Chairman***

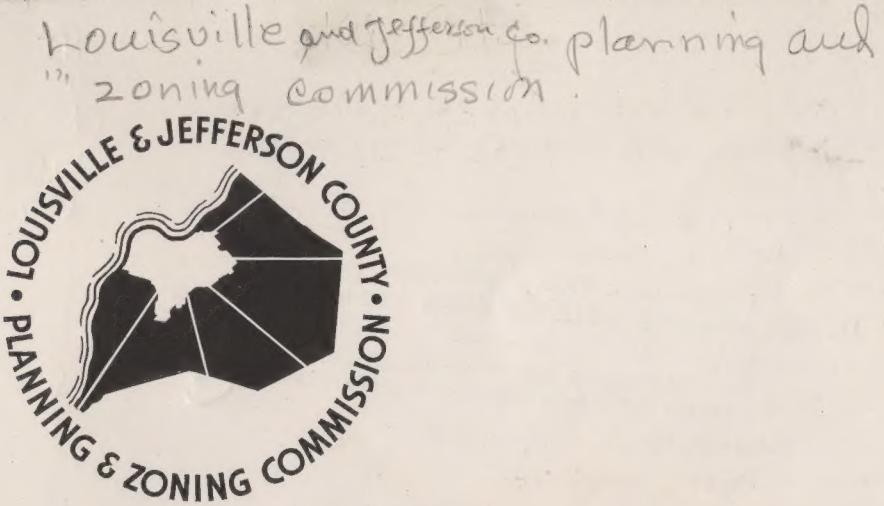
**George E. Burks**

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**H. W. Willen**

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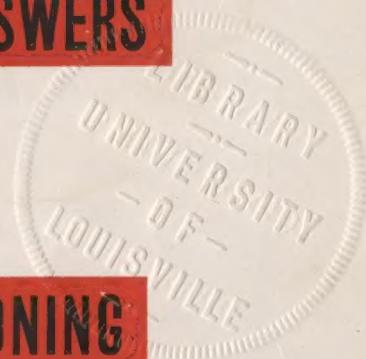
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## QUESTIONS AND ANSWERS

ABOUT

## PLANNING AND ZONING



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- TOWARD A BETTER COMMUNITY
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LOUISVILLE AND JEFFERSON COUNTY  
PLANNING AND ZONING COMMISSION

LOUISVILLE AND JEFFERSON COUNTY  
BOARD OF ZONING ADJUSTMENT AND APPEALS

July 25, 1949

To the Citizens of Louisville and Jefferson County:

This booklet has been prepared to help you understand the purpose and operation of your Planning and Zoning Commission and Board of Zoning Adjustment and Appeals. Ours is a growing community, and it is of the utmost importance to all of us to see that this growth is for the betterment of the City and County. In many ways we are now paying the penalty of a lack of planning in the past. But we want to do better than just avoid mistakes. We want to take positive action that will make Louisville and Jefferson County a well-ordered and attractive community of which its citizens may rightly be proud.

Success in this depends upon you, and on the understanding and support which you give the planning and zoning program. The questions and answers which follow have been selected as being of the widest general interest. If you have other questions about this program, feel free to contact the Commission, the Board and their Staff.

Yours for a better community!

Geo. A. Summers  
Chairman, Planning and Zoning  
Commission

Jefferson M. Dailey  
Chairman, Board of Zoning  
Adjustment and Appeals

Charles L. Fahey  
Mayor, City of Louisville

Horace M. Dailey  
County Judge, Jefferson County

# TOWARD A BETTER COMMUNITY

## 1. What is community planning about?

Planning is a form of insurance. As individuals, we all plan for security for our families and for our old age, and of course every business must have plans for its future. This same process of providing for the future of a community is called city planning. But a city is not just a hodge-podge of buildings and streets; it is a living and working environment for its people.

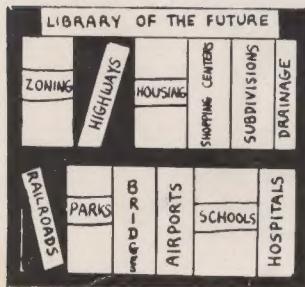
Most of our cities fall so far short of being good places in which to live, shop, work, and for entertainment and social gatherings that people continually escape to the suburbs, abandoning the older sections to slums and obsolescence. Planning can help revive the older parts of our communities and avoid past mistakes in the new.

Planning is "living insurance."



## 2. What does planning deal with?

All the factors which contribute to the orderly growth or evolution of a community are part of the planning process. These include the use of land and improvements of all kinds, both public and private. Some of the more important public improvements are streets and highways, airports, railroads, schools and playgrounds, parks and parkways, bridges, hospitals, libraries and floodwalls.



Private development is controlled only in providing that the use and spacing of

buildings must be harmonious to the character and needs of their surroundings (the Zoning Regulations), and that provision be made for future public improvements (the Official Map of the CITY and the Master Plan of the COUNTY).

### 3. What is a comprehensive plan? Do we have one for the CITY and COUNTY?

A comprehensive plan is the guide or pattern for the future development of the community. Expressed in reports and maps, it anticipates the growth of the CITY and COUNTY and the public facilities mentioned above which are needed to serve this development. It must look ahead 10 to 25 years or more and should be revised as anticipated future needs change.

A plan for Louisville was adopted in 1931; now in 1949 it is in need of revision. The plan for Jefferson County is an atlas of maps which show existing and future highways. Both of these are in the process of being revised and supplemented.



### 4. How does planning and zoning help the average citizen?

#### *For the taxpayer:*

- a) it preserves the value of your property.
- b) it provides more accurate information as to the future need of public improvements.
- c) it prevents repetition of the costly mistakes of the past by guiding new development.
- d) it helps to direct public expenditures to obtain the most benefit from your tax dollar.

#### *For the resident:*

- a) it encourages a more attractive community with adequate and well located public services.
- b) it protects your living and working environments against objectionable intrusion.

**5. What is the relation of the Planning and Zoning Commission to departments of the CITY and COUNTY?**

The COMMISSION is the only official agency concerned with the future development of the community as a whole. Research based on a careful study of the elements of change and desirable standards produces data which can assist other departments in estimating their own future needs.

The COMMISSION may also act as a clearing house for all programs involving new public lands and buildings.

**6. What is the relation of the COMMISSION to the Louisville Area Development Association?\***

The COMMISSION is an official agency authorized by the Kentucky Legislature with duties and responsibilities prescribed by law. The LADA is a private agency with its policies and scope of activities determined by its Board of Directors and staff. LADA work emphasizes civic improvements and the stimulation of public interest and support. Both agencies work together for the improvement of Louisville and Jefferson County and their operations are coordinated to avoid duplication.



\* After January 1, 1950, the work of the LADA will be continued as a department of the Louisville Chamber of Commerce.

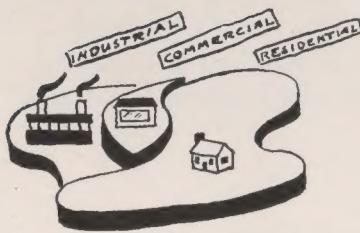
**7. Does putting a plan into effect mean spending more money and raising taxes?**



Public improvements cost money, a lot of money with today's prices. But the community has ailments which include the paralysis of traffic congestion and the cancer of slums. With the help of a

planning diagnosis, a cure must be undertaken. We cannot afford to let our city wither and decay because the remedy costs money.

## 8. What is zoning?



The CITY and COUNTY Zoning Regulations specify what uses of land and buildings are permitted. They also provide for minimum size lots, yard areas and height control so that adequate light, air and privacy are assured and so that overcrowding may be avoided. The Zoning Maps show where these "use districts" are located. DO YOU KNOW HOW YOUR PROPERTY IS ZONED?

## 9. Are a person's constitutional rights violated when he is told what he may and may not do with his property?

One of the oldest laws of society restrains people from behaving in a way that may be harmful or injurious to their neighbors or to the welfare of the community. In 1920 a state court held that the conduct of an individual and the use of his property may be regulated, and in 1926 the Supreme Court of the United States reaffirmed the principle that a reasonable control of land use is a normal exercise of zoning. Since then the legality of zoning has never been in doubt.



## 10. What is spot zoning?

This is a commonly used and often misunderstood term. It applies to the establishment of a use district, usually a small one, which is unsuited to the



adjacent neighborhood. The benefit of spot zoning to the property owner is at the expense of the character and values of nearby properties and of the general development of the community. The courts have uniformly denounced the practice of spot zoning and ruled such action invalid.

## 11. Is zoning primarily for the protection of residential areas?

No. Zoning is one of the tools used to promote a well-balanced development of all types of uses. It misses its goal if it only protects the status quo of existing residential neighborhoods. Industrial areas, for example, are in equal need of protection against absorption by other uses. Our industries are the life blood of the community and zoning can and should assist in keeping sites available for new factories.

## 12. If most planning problems deal with the CITY, why is Planning and Zoning needed for all of Jefferson County?



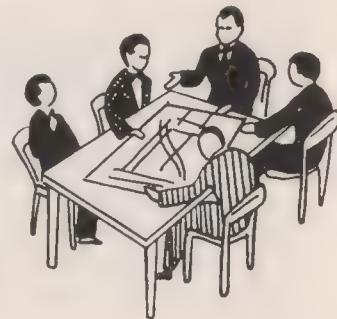
It is true that rural areas have comparatively few problems of a planning nature, but we must realize that most of the COUNTY has ceased to be rural and is now the suburbs of Louisville. Its population is increasing rapidly. All this means that new schools, roads, fire stations, parks and all other public services must be provided. When people live close together instead of on farms, the problems of drainage, water supply, sewerage disposal and proper spacing of buildings for healthy living conditions must be met.

# **PLANNING AND ZONING IN OPERATION**

## **L 1 What are the duties of the Planning and Zoning Commission? Who make up the COMMISSION?**

The COMMISSION is responsible for preparing and revising, when necessary, the Master Plan and the Zoning and Subdivision Regulations and Maps of the CITY and COUNTY.

The ten members of the COMMISSION include the Mayor, the County Judge, the Director of Works and the County Road Engineer ex-officio. Of the six non-official members, three are appointed by the Mayor and three by the County Judge. The terms of the appointed members are for three years.



## **2 What are the duties of the Board of Zoning Adjustment and Appeals? Who make up the BOARD?**

The BOARD considers requests from property owners for variances from a strict application of the Zoning Regulations for reasons of extreme hardship caused by exceptional conditions.

There are five members on the BOARD of whom three are appointed by the Mayor and two by the County Judge. They must include an architect, a structural engineer and a real estate dealer. Their terms of office are for four years.

### 3. How often do they meet?

The COMMISSION meets the first and third Thursday of every month to hold hearings on a prepared docket. These meetings start at one o'clock and are held in one of the County Court Rooms.

The BOARD meets the second and fourth Wednesday of each month to conduct hearings on the cases on its docket. These meetings start at two o'clock and are also held in a County Court Room. On meeting days a notice is placed at the Court House elevator advising which room is being used by the BOARD or COMMISSION.

September 1949						
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4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

### 4. Do the City and County handle Zoning, Master Plan and Subdivision changes similarly?

No. In the CITY the COMMISSION makes a recommendation to the Board of Aldermen after a joint hearing conducted by the ALDERMEN and attended by members of the Commission. The Aldermen take final action on proposed changes. In the COUNTY the Fiscal Court has authorized the COMMISSION to hold the hearings and take action on proposed changes.

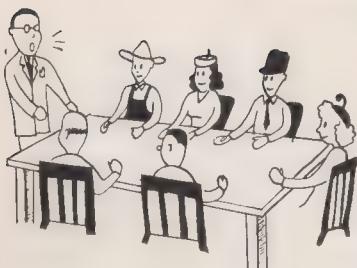
### 5. What procedure should be followed by a property owner in requesting a zoning change?

In the CITY application papers may be obtained at the COMMISSION office. The approving signatures of the owners of 50% of the property lying within a radius of 200 feet must be secured. A fee of \$10 is charged for supplying this list and preparing the necessary maps. The application, together with signatures and maps, is then filed with the Clerk of the Board of Aldermen and an additional \$10 is charged for advertising the change.

A COUNTY property owner writes a letter to the COMMISSION locating the property in detail, specifying the change in zoning requested and stating his reasons for wanting the change. A similar fee is charged for advertising the proposed change.

## 6 What is the purpose of a public hearing?

Hearings are held to give all persons who have a bona fide interest in a proposed change or variance an opportunity to express their opinions. The reaction of neighbors is always an important factor in arriving at a decision.



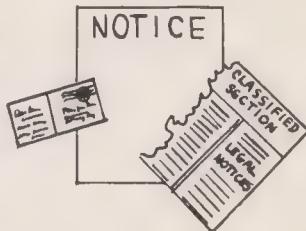
The COMMISSION, BOARD and ALDERMEN act as quasi-judicial bodies in deciding zoning matters. They must consider each request carefully and impartially and try to arrive at the best answer for the neighborhood concerned and for the community as a whole. These men are spending their time and effort on what is often a thankless public duty. As a matter of courtesy to them please do not contact them at their home or business but save your arguments for the public hearing.

## 7 Who may appear and be heard at public hearings?

Any interested person may attend and voice an opinion at a hearing. Property owners, especially those close to the proposed change, are naturally given the most consideration. The hearings are conducted on an informal basis and anyone may present a case for or against a change. To save time and avoid duplication it is requested that each group appoint a spokesman to present the opinions of the entire group.

## **8. How are people notified of a proposed zoning change or variance in their neighborhood?**

Post-card notices of the hearing are sent to adjacent property owners of record in the County Tax Office. In the CITY this would include owners within a radius of 200 feet from the property in question; in the COUNTY the radius might be up to 1,000 feet, depending on the density of development. For COUNTY changes, at least three placard notices are also posted in the vicinity of each change. For all changes, an advertisement of the hearing is carried in the legal notice column of two issues of a daily newspaper with County-wide circulation.



## **9. What appeal is there from the action of the ALDERMEN, the COMMISSION or the BOARD of Zoning Adjustment and Appeals relative to a zoning change or variance?**



An appeal may be taken to the Circuit Court within thirty days after the date of notice of such action.

## **10. Under what circumstances may a rehearing be held?**

An applicant may ask for a rehearing when new facts or conditions, which were not considered previously, would materially alter the character of a requested adjustment or variance.

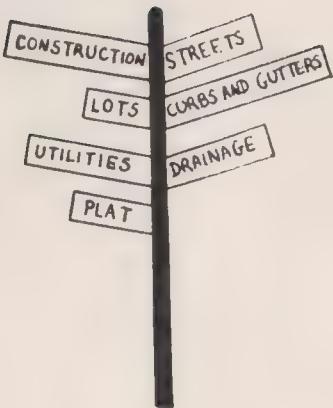
# **BEFORE YOU SUBDIVIDE OR BUILD**

## **1. What is a subdivision?**

A subdivision may be defined as a division of land, for the purpose of sale or development, into smaller parcels or lots which may involve public dedication of streets, alleys or other areas.

## **2. What are the major items covered by the Subdivision Regulations?**

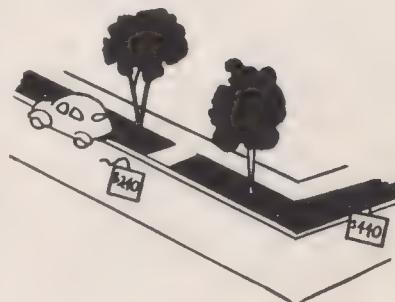
These Regulations include:



- a) the alignment and width of streets to conform to the Master Plan and to the existing or future development of surrounding areas.
- b) the installation of street improvements in accordance with established standards.
- c) the provision for adequate drainage facilities, including curbs, gutters and sewers where necessary, and public utility easements.
- d) a suitable arrangement of lots with indicated building lines.

### **3. How much more do decent street paving and curbs and gutters cost?**

For a 60 foot lot, an asphalt road costs roughly \$240 compared with \$170 for one of crushed rock sealed with chips. However, the latter type of street improvement is not acceptable. For this same lot a concrete curb and gutter with complete storm sewer drainage facilities costs approximately \$440. These are rough figures as prices vary with the years and with the conditions of each subdivision.



### **4. Is the cost of these improvements worth it to the property owner?**

Yes, it is. Since the extra expense of these items is added to the price of a new house, it is included in the monthly payments on the house and makes relatively little difference in the amount of these payments. Compare this to the out-of-pocket cost to the owner of rebuilding the road in 3-10 years because of cheaper original construction and lack of adequate drainage. Permanent street construction is not only more economical in the long run but also makes possible more favorable terms on a mortgage loan which usually compensate for the added original cost.

### **5. Is all land in the COUNTY suitable for subdivision?**

Land which is poorly drained, too rough, subject to flooding or too remote may not be ready for subdivision. The relatively cheap price of such acreage is often offset by higher costs of development or by subsequent problems to home owners. On the other hand, this land may be ideal for farms, acreage development or for the production of timber.



**6. Can I get help in subdividing property or in locating a proposed building from the COMMISSION staff?**

The COMMISSION welcomes an opportunity for a preliminary discussion of subdivisions and building locations with property owners, and the staff is glad to make its experience available for this work. However, the design, surveying and drafting of a plat must be done by a surveyor, engineer or landscape architect. Subdivision construction plans require the services of a licensed engineer.



**7. What permits are necessary in the CITY and COUNTY before a building or alteration is started?**

For CITY property building permits are issued by the office of the BUILDING INSPECTOR located in the City Hall. In order to conform to the City

Building Code detailed plans and working drawings must be submitted before obtaining a permit.



For COUNTY property only a zoning permit is required as no County building code has been adopted to date. This permit is issued at the COMMISSION office in the Fiscal Court Building. For this a scaled plot plan is necessary showing in detail the location and size of the building and of the lot or tract. It is also helpful to bring along the deed of the property.

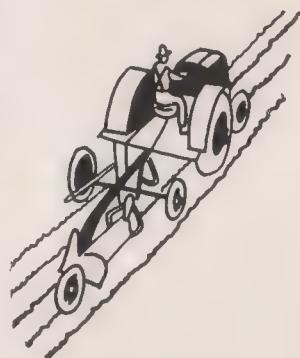
## **8. Is it a good idea to report violations of the Zoning Regulations?**

**Yes!** These Regulations are for the betterment of the community and the protection of property owners. It is to the interest of any resident of the CITY and COUNTY to assist the limited enforcement staffs by noticing new construction and reporting to the BUILDING INSPECTOR or COMMISSION office if no permit is posted on the job. New billboards and signs are often in violation and these should also be reported.



## **9. Are farms included in the scope of the COUNTY Zoning Regulations?**

Farming is permitted in any zone district. A zoning permit is required for new farm buildings but no charge is made for this. Certain activities which sometimes occur on a farm are considered semi-commercial and not agricultural. These include poultry raising, slopping hogs, etc. on a commercial scale. For these a Special Use permit is required.



## **10. Where may copies of the Zoning and Subdivision Regulations and Maps be obtained?**

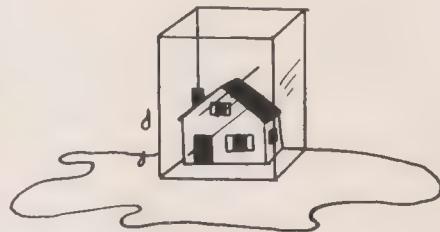
These are available in printed form at the COMMISSION office, and large scale copies of the maps containing the latest revisions are also available for reference. A nominal charge is made for the printed material.

# TAKEN AT RANDOM

## 1. What is meant by “freezing” a property by putting it on the Official Map or Master Plan?

When the site of a future public improvement is determined, it may be adopted on the Official Map of the CITY or the Master Plan of the COUNTY if the construction of it is anticipated in the reasonably near future. This means that the owners of properties affected may build *new* improvements within this area when the Board of Zoning Adjustment and Appeals has considered the case and decided to permit the new construction.

Thus the “freezing” is for the protection of the public against excessive land acquisition costs at a later date. The review by the BOARD is for the protection of the property owners against unreasonable hardship.



## 2. If I buy a house on a publicly dedicated street in a subdivision, who is responsible for maintaining that street?

In the CITY the Department of Public Works will maintain any street that has been permanently constructed with curbs and gutters. Temporary streets may be rebuilt by City Ordinance at the expense of the property owners at their request.

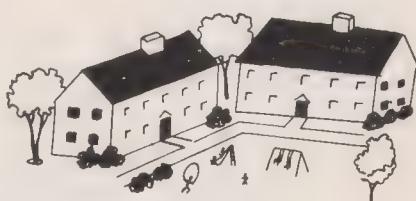
In the COUNTY only those streets or roads that are a part of the established County Road System are maintained by the County. The maintenance of other roads is the responsibility of the property owners. A majority of the owners may establish a Road District for the repair or rebuilding of a street.

Since the property owners have to foot the rebuilding bill in either case remember that:

- a) streets built in accordance with the Subdivision Regulations will last longer.
- b) driveways and lawns in the street right of way should not be "landscaped" in a way that will interfere with the drainage of storm water. Badly drained streets will become ruined streets.

### 3. In view of the scarcity of apartment areas, is it reasonable to zone most of the COUNTY for single-family residential use?

In the CITY there are extensive apartment and two-family districts. The reason for the scarcity of these in the COUNTY is the lack of sewers without which acceptable multi-family developments are almost impossible. If and when sewer service is extended to the COUNTY it is probable that more apartment districts will be provided.



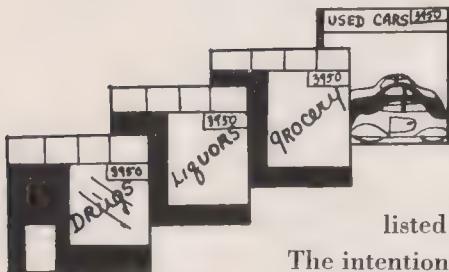
### 4. What is a non-conforming use?

When the Zoning Regulations were adopted (1931 for the CITY, 1943 for the COUNTY) there were some uses of buildings or land which did not fit into the zoning pattern. Obviously it was not possible to zone for a shopping center wherever there happened to be a roadside stand, a filling station or any other isolated business or industrial activity. These are called non-conforming uses.

In fairness to these people they are permitted to continue to operate in the same building they had when the Regulations were adopted. In fairness to other and more recent businesses which are complying with the Regulations but which still have to compete with the others, a non-conforming owner is not permitted to rebuild or expand his building without special permission from the BOARD of Zoning Adjustment and Appeals. If expansion of a non-conforming use becomes necessary, it is reasonable to believe that the establishment can move to a suitably zoned district.

5.

"... and I am going to build a nice drug store with a stone front and lots of parking space."



This type of statement is made so often on behalf of a requested zoning change that it needs an explanation to give a true picture. A change of zoning for a particular area will permit any of the uses listed in the Regulations for that district.

The intentions of the applicant may be as honest as the day is long, but there is nothing to prevent the sale of the drug store for a package liquor store or perhaps a used car lot after the zoning is changed. Also there may be no control over the type of building and parking areas. *Remember this before signing a petition.*

## **6. Is it possible to forecast the areas of commercial zoning that will be needed to serve future development?**

In suburban areas which are now being developed, one can make a reasonable estimate of how many families will live in a neighborhood when it is built up. Careful studies have been made in other communities as to how many businesses of different types are needed by so many hundred or thousand families in the trading area. With these yardsticks to work with, it is possible to make a reasonably accurate estimate of future commercial needs. However, liberal allowances must be made for local conditions and a monopoly in the ownership of commercially zoned property must be avoided.

## **7. What should be the development of our major thoroughfares?**

Our highways need zoning protection as much as any other areas. Often this is difficult because everybody's interest is nobody's interest. The quick-

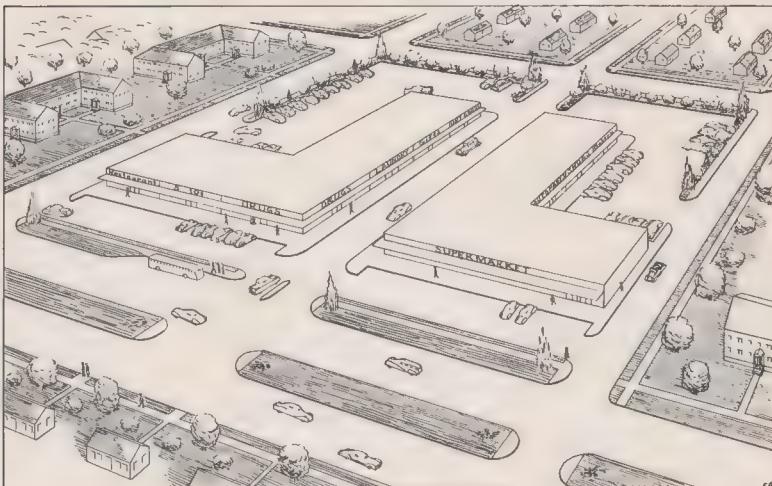
est way to waste highway tax dollars is to permit the haphazard lining of our thoroughfares with business. Uncontrolled development results in more accidents, a general decline of property values caused by "roadside blight" and an eyesore to the community. The highways entering Louisville should, for the most part, be fronted by farms or by residences set back comfortably from the street right of way. Commercial centers, including those catering to the traveling public, should be adjacent to the highway in suitable locations.



## **8. Are centralized shopping centers better than letting stores spring up anywhere?**

Yes! For these reasons:

- (a) it is more convenient for the shopper to be able to make several purchases at one time and at one place.
- (b) adequate traffic control may be provided at the shopping center for the protection of both the pedestrian and the motorist. This is virtually impossible where businesses are scattered.
- (c) a definition of the commercial areas allows zoning protection for residential and farm properties.



# STAFF MEMBERS

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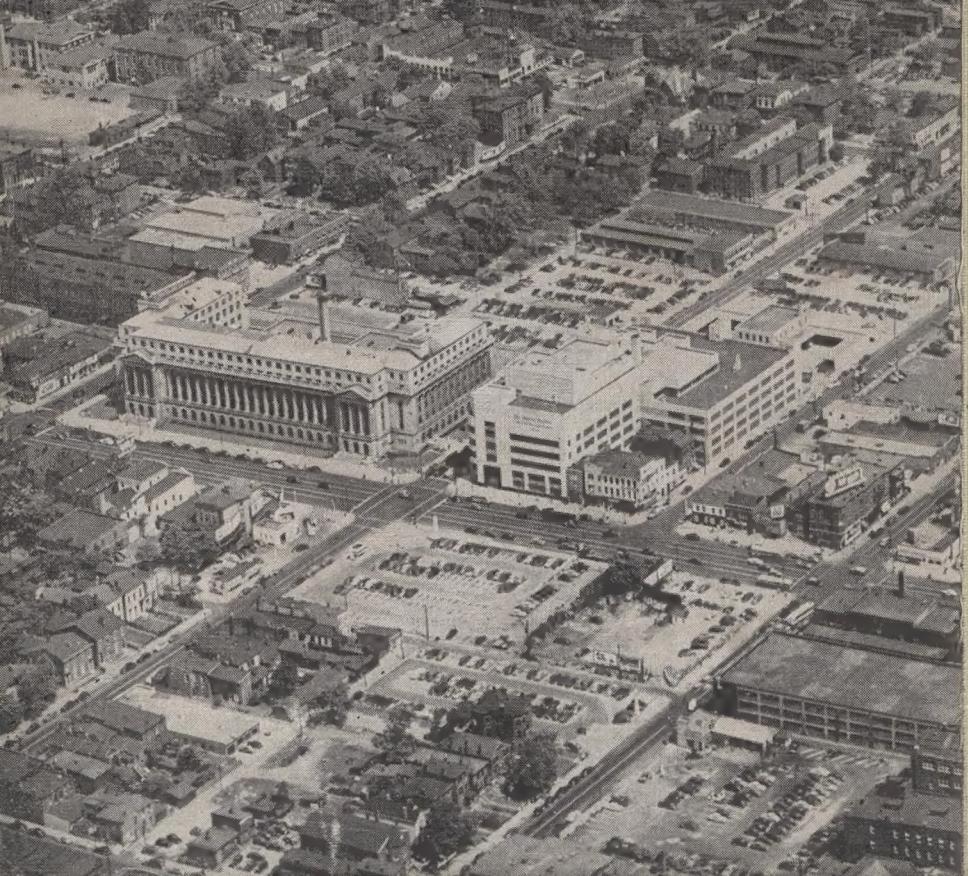
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